

REMARKS

This Amendment is submitted in response to the Office Action dated October 24, 2003. The Office Action rejected Claims 1 to 19 and 25 to 30 under 35 U.S.C. § 102 or § 103. In response, Claims 1, 10, 15, 25 and 29 have been amended. The amendments do not add new matter. Applicants respectfully submit that the rejections have been overcome or are improper for the following reasons.

In the Office Action, Claims 1, 3, 5, 8 to 10, 13, 15, 29 and 30 are rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over *Lepper*. Applicants respectfully submit that these anticipation rejections have been overcome or are not proper and therefore should be withdrawn for at least the reasons set forth below.

Independent Claims 1, 10, 15 and 29, the sole independent claims from the group, have been amended. Independent Claims 1 and 15 have been amended to clarify that the wet pet food is stored in an unpackaged condition. Claim 10 has been amended to clarify that the container includes a wet pet food and that the wet pet food is stored in an unpackaged condition. Claim 29 has been amended to clarify that the first compartment includes a dry pet food and the second compartment includes a wet pet food which is stored in an unpackaged condition.

The animal feeder in *Lepper* relates to a container with a reservoir in the lid. The container is adapted to include one type of pet food. The reservoir is adapted to be filled with water but does not include water. That is, the animal feeder in *Lepper* does not include a tray with multiple compartments or a wet pet food stored in an unpackaged condition.

Applicants respectfully submit that the rejections to Claims 1, 10, 15 and 29 are improper and Claims 1, 10, 15 and 29 are allowable. Claims, 3, 5, 8, 9, 13, and 30, depending directly or indirectly from Claims 1, 10, 15 and 29, are allowable for the reasons given with respect to the independent claims.

Claims 1, 3, 5, 8, 9, 29 and 30 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over *Zarski*. Independent Claims 1 and 29, the sole independent claims from the group, have been amended. The wet pet food of Claims 1 and 29 is stored in an unpackaged condition.

Zarski is directed to a carriable pet feeding service and water container which provides sealed containers for food and water. Unlike Claims 1 and 29, *Zarski* does not include a dry pet

food in a first compartment and a wet pet food in a second compartment stored in an unpackaged condition.

Applicants respectfully submit that the rejections of Claims 1 and 29 have been overcome in light of the amendments. Therefore, Applicants submit that Claims 1 and 29, as well as Claims, 3, 5, 8, 9 and 30, depending directly or indirectly from these independent claims, are allowable.

Claims 1, 5, 8 to 11, 13, 14, 29 and 30 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over *King*. Claims 1, 10 and 29, the sole independent claims in the group, have been amended as discussed above. Claims 1, 10 and 29 include a dry food and a wet food stored in an unpackaged condition.

The pet feeding apparatus in *King* includes a pair of containers for storing food and water for a pet connected by a hinge adapted to receive food and water. This apparatus does not include any type of pet food, wet or dry.

Applicants respectfully submit that these rejections are improper and Claims 1, 10 and 29 are patentably distinct over *King* and are allowable. Additionally, Claims 5, 8, 11, 13, 14 and 30 depend directly or indirectly from Claims 1, 10 and 29 and are allowable for the reasons given with respect to independent Claims 1, 10 and 29.

Claims 1 to 3, 5, 8, 10, 11, 13, 15 and 17 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over *Schommer*. Independent Claims 1, 10 and 15 are the sole independent claims from this group. Claims 1, 10 and 15 each include a dry pet food and a wet pet food stored in an unpackaged condition.

Schommer is directed to a food container (item number 10) or holder for feeding a pet which has a plurality of compartments. One embodiment includes a first, a second and a third compartment (items number 20, 30 and 40 respectively). The first compartment is adapted to hold packaged wet pet food. The container in *Schommer* does not include any type of pet food, wet or dry.

Applicants respectfully submit that these rejections are improper in Claims 1, 10 and 15 are patentably distinct over *Schommer* and are allowable. Additionally, Claims 2, 3, 5, 8, 11, 13 and 17 depend directly or indirectly from Claims 1, 10 and 15 are allowable for the reasons given with respect to the independent claims.

Claims 1, 5 and 25 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over *Smith*. Claims 1 and 25, the sole independent claims in this group, have been amended. As previously discussed, Claim 1 includes dry pet food and wet pet food stored in an unpackaged condition. Claim 25 has been amended to clarify that one of the pet foods is a wet pet food stored in an unpackaged condition and one of the pet foods is a dry pet food. Claim 25 also includes a removable divider that is constructed and arranged to cause at least a portion of the wet and dry pet foods to contact each other when the divider is removed.

Smith provides two separate detachable housings, a container for pet food and a vessel for water. The pet food in *Smith* is packaged and sealed in the container (item 2 of Figs. 1 and 2). Water may be added to a vessel, which rests on top of the sealed container (item 10). After the water drains into the vessel, the vessel can thereafter be removed. Unlike Claims 1 and 25, *Smith* does not provide a single tray with at least two compartments which contain different types of pet food, including a wet pet food.

Applicants respectfully submit that these rejections are improper and Claims 1, 5 and 25 are patentably distinct over *Smith* and are allowable.

Claims 25, 26 and 28 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over *Sobky*. As discussed above, Claim 25 includes a removable divider that is constructed and arranged to cause at least a portion of the wet and dry pet foods to contact each other when the divider is removed.

Sobky relates to a time automatic moist pet food server. Unlike amended independent Claim 25, *Sobky* does not include a removable divider that is constructed and arranged to allow the foods to mix.

Applicants respectfully submit that the rejection is improper for Claim 25 in view of the amendments made and is allowable. Additionally, Claims 26 and 28, depending directly from Claim 25, are allowable for the reasons given with respect to amended independent Claim 25.

Claims 1, 5, 8 to 11, 13, 25, 29 and 30 stand rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over *Prydie*. Claims 1, 10, 25 and 29, the sole independent claims in this group, include dry pet food and wet pet food stored in an unpackaged condition.

The apparatus in *Prydie* does not include a tray which contains any type of pet food, wet or dry.

Applicants respectfully submit that the rejection is improper and Claims 1, 10, 25 and 29 are patentably distinct over *Prydie* and are allowable. Additionally, Claims 5, 8, 9, 11, 13 and 30, depend directly or indirectly from Claims 1, 10, 25 and 29 and are allowable for reasons given with respect to these independent claims.

Claims 1, 3, 5, 10, 11, 14-16, 29 and 30 stand rejected under 35 U.S.C. § 102(e) as being allegedly unpatentable over *Ciguere*. Of these claims, Claims 1, 10, 15 and 29 are the sole independent claims in this group. Claims 1, 10, 15 and 29 include a tray with multiple compartments. One compartment includes a dry pet food and another compartment includes a wet pet food stored in an unpackaged condition.

The pet travel container in *Ciguere* provides a kit that stores a predefined quantity of drinking water and predefined quantity of pet food which are both in sealed pouches to form a meal for a pet. The container of *Ciguere* does not include a tray with multiple compartments. Additionally, the container in *Ciguere* does not include a wet pet food stored in an unpackaged condition.

Therefore, Applicants respectfully submit that these rejections are improper and Claims 1, 10, 15 and 29 are allowable. Additionally, Claims 3, 5, 11, 14, 16 and 30 depend directly or indirectly from Claims 1, 10, 15 and 29 and are allowable for the reasons given with respect to these independent claims.

In the Office Action, Claims 4, 6, 7, 12, 18, 19, 25, 26, 27 and 28 stand rejected under 35 U.S.C. § 103 in view of a number of references. Applicants respectfully submit that these obviousness rejections have been overcome or are not proper and therefore should be withdrawn for at least the reasons set forth below.

More specifically, Claims 4 and 7 (depending directly from Claim 1) and Claim 19 (depending directly from Claim 15) stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Schommer*. Claims 1 and 15 include pet food, a wet pet food and a dry pet food. The wet pet food is stored in an unpackaged condition in a second compartment.

Schommer does not teach, disclose or suggest a pet food container which includes pet food. The food container of *Schommer* "is adapted to hold for packaging different types of dog food including canned wet meat, dry food bits and optionally pet treats." (Column 1, lines 29 to 32). Specifically, the first compartment is adapted to hold packaged wet pet food. Indeed,

Schommer, effectively teaches away from one of the claim limitations of including a wet pet food stored in an unpackaged condition.

Schommer does not teach, disclose or suggest the pet food container of Claims 4 and 7. Therefore, Applicants respectfully submit that the objections to Claims 4 and 7 are improper and should be withdrawn. Applicants submit that Claims 4 and 7 are allowable.

Claim 6 (depending directly from Claim 1) and Claim 12 (depending directly from Claim 10) are allegedly unpatentable over *Schommer* in view of *Lasater*. The principal reference, *Schommer*, teaches away from including an unpackaged wet pet food. The Office Action relies on a second reference, *Lasater* which is directed to dog food in the form of a dog cookie. (Column 1, lines 11-20).

Neither *Schommer* nor *Lasater* include a tray with a dry food compartment, including a unit of dry pet food and a wet food compartment, including wet pet food stored in an unpackaged condition. *Schommer* effectively teaches away from including a wet dog food in an unpackaged condition. *Lasater* does not teach or suggest including wet pet food in any form. Therefore, the container resulting from their combination does not each, disclose or suggest a container including unpackaged wet pet food.

The combination of *Schommer* and *Lasater* does not teach, disclose or suggest the pet food container of Claims 6 and 12. Applicants respectfully submit that the objections to Claims 6 and 12 are improper and should be withdrawn. Applicants submit that Claims 6 and 12 are allowable.

Claim 18 (depending directly from Claim 15) stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Schommer* in view of *Morgan*. As mentioned above, *Schommer* is directed to a pet food tray in which an owner packs pet food, specifically wet pet food packaged wet pet food. *Morgan* is directed to a special tool or utensil used to remove pet food or food stuff from a can, carton that is made of environmentally friendly material or that is made of animal food. (See Novelty in the Basic Abstract and Abstract.). *Morgan* does not teach or suggest including a unit of wet pet food stored in a second compartment in an unpackaged condition.

Neither *Schommer* or *Morgan* teach, disclose or suggest a tray which includes two types of dog food. Neither *Schommer* or *Morgan* teach, disclose or suggest a tray which includes wet

dog food in an unpackaged condition. As previously discussed, *Schommer* teaches away from this exact claim limitation. Therefore, the container resulting from their combination would not result in such a container. Therefore, Applicants respectfully submit that the objection to Claim 18 is improper and should be withdrawn. Applicants submit that Claim 18 is allowable.

Claims 25, 26 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kornacki* in view of *Sobky*. Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kornacki* in view of *Sobky*, in further view of *Bunz*. Claim 25, the sole independent claim from this group, includes a removable divider that is constructed and arranged to cause at least a portion of the wet and dry pet foods to contact each other when the divider is removed.

Kornacki relates to a cat food serving system with different types of cat food in different compartments. *Kornacki* includes dividers that keep the different types of food separate to determine which one the cat desires more. *Sobky* relates to an automatic moist pet food server for serving pet food at preselected time intervals. The dividers of *Sobky* are used to separate food that is to be served at separate times. *Bunz*, if combinable, relates to a package that mixes two milk products together such as fresh cheese and cream cheese and yogurt. The food is stored in two, separate containers which are connected by a hinge. After the top of the package is removed, one of the products is manually poured onto the other product.

Kornacki, *Sobky* and *Bunz* do not teach or suggest a removable divider that is constructed and arranged to cause at least a portion of the wet and dry pet foods to contact each other when it is removed. If anything, both *Kornacki* and *Sobky* teach away from a divider that is removed allowing two types of food to mix. The dividers in *Kornacki* and *Sobky* are in place to keep pet food separate. *Bunz* does not include a removable divider of any kind.

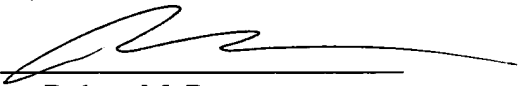
Neither *Kornacki*, *Sobky* nor *Bunz* teach, disclose or suggest a divider which is constructed to cause the two foods to mix by its removal. Therefore, Applicants respectfully submit that the rejections have been overcome in light of the amendment to Claim 25. Accordingly, Claims 25 to 28 are allowable.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly solicit an early allowance of same.

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